

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:     GARY E. PRETTY, JR. AKA: GARY  
             PRETTY, GARY E. PRETTY, GARY  
             ELGIN PRETTY, JR., GARY PRETTY,     CHAPTER 13  
             JR. ROXANNE L. PRETTY AKA:  
             ROXANNE PRETTY, ROXANNE  
             LENORE PRETTY     CASE NO: 5-19-03840-RNO  
                                 Debtor(s)  
             CHARLES J. DEHART, III  
             CHAPTER 13 TRUSTEE  
                                 Movant  
  
vs.  
             GARY E. PRETTY, JR. AKA: GARY  
             PRETTY, GARY E. PRETTY, GARY  
             ELGIN PRETTY, JR., GARY PRETTY,  
             JR. ROXANNE L. PRETTY AKA:  
             ROXANNE PRETTY, ROXANNE  
             LENORE PRETTY  
                                 Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on February 20, 2020, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. A Plan was filed on September 10, 2019.
2. A hearing was held and an Order was entered on December 20, 2019 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.

Id: 47613

Attorney for Trustee

Charles J. DeHart, III

Standing Chapter 13 Trustee

Ste. A, 8125 Adams Drive

Hummelstown, PA 17036

Ph. 717-566-6097

Fax. 717-566-8313

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IN RE: GARY E. PRETTY, JR.  
AKA: GARY PRETTY, GARY E.  
PRETTY, GARY ELGIN PRETTY, JR.,  
GARY PRETTY, JR.  
ROXANNE L. PRETTY  
AKA: ROXANNE PRETTY,  
ROXANNE LENORE PRETTY

CHAPTER 13

Debtor(s)

CASE NO: 5-19-03840-RNO

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court  
Max Rosenn U.S. Courthouse  
Courtroom #2  
197 S. Main Street  
Wilkes Barre, PA

Date: April 1, 2020

Time: 09:30 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

Dated: February 20, 2020

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: GARY E. PRETTY, JR.  
AKA: GARY PRETTY, GARY E. PRETTY,  
GARY ELGIN PRETTY, JR., GARY PRETTY,  
JR.  
ROXANNE L. PRETTY AKA: ROXANNE  
PRETTY, ROXANNE LENORE PRETTY                      CHAPTER 13

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE

CASE NO: 5-19-03840-RNO

Movant

GARY E. PRETTY, JR.  
AKA: GARY PRETTY, GARY E. PRETTY,  
GARY ELGIN PRETTY, JR., GARY PRETTY,  
JR.  
ROXANNE L. PRETTY AKA: ROXANNE  
PRETTY, ROXANNE LENORE PRETTY

Respondent(s)

**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on February 20, 2020, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail, unless served electronically.

TULLIO DeLUCA, ESQUIRE  
381 N 9TH AVENUE  
SCRANTON, PA 18504-

Served electronically

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

Served electronically

GARY E. PRETTY, JR.  
13 BROADWAY RD.  
SWEET VALLEY, PA 18656-

Served by 1<sup>st</sup> Class Mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: February 20, 2020

Respectfully,  
Vickie Williams  
for Charles J. DeHart, III, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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CHAPTER 13

Debtor(s)  
CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
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CASE NO: 5-19-03840-RNO

GARY E. PRETTY, JR.  
AKA: GARY PRETTY, GARY E.  
PRETTY, GARY ELGIN PRETTY,  
JR., GARY PRETTY, JR.  
ROXANNE L. PRETTY  
AKA: ROXANNE PRETTY,  
ROXANNE LENORE PRETTY

Respondent(s)

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.